**In the United States Patent and Trademark Office
on Appeal from the Examiner to the Board
of Patent Appeals and Interferences**

In re Application of:	Anders Vinberg
Serial No.	09/982,301
Filing Date:	October 17, 2001
Art Unit No.:	2154
Confirmation No.:	8005
Examiner:	Ashokkumar B. Patel
Title:	*Method and Apparatus for Selectively Displaying Layered Network Diagrams*

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Reply Brief

Appellant respectfully submits this Reply Brief under 37 C.F.R. § 41.41(a)(1) in response to the Examiner's Answer sent 27 September 2007. Appellant maintains that the final rejection of Claims 1-23 is improper and respond to the Examiner's Answer below.

The Examiner has sent two Examiner's Answers, one on 17 July 2007 and another on 27 September 2007. The two Examiner's Answers are substantively identical to each other.

On 19 September 2007, Appellant filed a Reply Brief fully responsive to the Examiner's Answer sent 17 July 2007. After the Examiner's Answer sent 27 September 2007, Appellant received an Office Communication sent 19 November 2007 indicating, "The reply brief filed on 09/19/2007 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal." For the completeness of the record, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer sent 27 September 2007. This Reply Brief is substantively identical to the Reply Brief filed 19 September 2007, as the Examiner's Answer sent 27 September 2007 is substantively identical to the Examiner's Answer sent 17 July 2007.

Argument

In the Appeal Brief filed 28 February 2006, Appellant clearly demonstrated the allowability of independent Claims 1, 10, and 18-23 over *Schettler*. Appellant therefore reiterates the remarks in his Appeal Brief.

The Examiner states, "The summary of claimed subject matter contained in the brief is correct." However, the Examiner goes on to state that Appellant's mapping of independent Claim 1 in the Replacement Summary of Claimed Subject Matter "is not what the claimed invention i.e. claimed subject matter of the claim 1 reflect and limited to." The Examiner further states that Appellant's mapping of independent Claim 10 similarly "is not what the claimed invention i.e. claimed subject matter of the claim 10 reflect and limited to." As Appellant stated in the Replacement Summary of Claimed Subject Matter, Appellant provided the mappings not to limit the scope of the claims, but to help the Board make a decision on this Appeal. Appellant respectfully submits that the mappings provide such help to the Board.

In the Examiner's Answer, the only new material on the rejection of independent Claims 1, 10, and 18-23 is in the "Examiner's Response," beginning at Page 16. Appellant responds to the Examiner's Response below.

At the outset of the Examiner's Response, the Examiner cites several cases for the proposition that the claims "define the invention" and that the "scope of a claim cannot be narrowed by reading disclosed limitations into the claim." Appellant respectfully submits that Appellant has not in any way argued that the Drawings or the Specification in this Application narrow the scope of any of the claims. Appellant further submits that none of the cases cited by the Examiner changes any of the requirements for anticipation under the M.P.E.P. and applicable Federal Circuit case law, as discussed in Appellant's Appeal brief. Neither does any of the cases cited by the Examiner undercut the allowability of independent Claims 1, 10, and 18-23, as demonstrated in Appellant's Appeal Brief.

In the Examiner's Response, the Examiner asserts that a user in *Schettler* exploding an object in a hierarchical network management map, i.e., prompting a management station to break down and provide more data pertaining to the object, can be properly considered ***receiving input associated with a level of abstraction***, as independent Claim 1 recites. However, even assuming for the sake of argument that "'exploding' provides association with a level of detail, that is abstraction," as the Examiner asserts but which is not at all clear, *Schettler* would still fail to disclose, teach, or suggest, as independent Claim 1 recites:

- ***determining the level of abstraction based on the input***;
- ***filtering network links for display based on the level of abstraction***; and
- ***displaying the filtered network links to present a layered network diagram***.

Instead, *Schettler* merely discloses a filtering system receiving topology data from a topology manager, filtering the topology data according to a filter library, and passing the processed data to a layout mechanism. Nowhere does *Schettler* disclose, teach, or suggest that the filtering system uses any input from a user exploding an object to filter any topology data, much less ***input associated with a level of abstraction***, as independent Claim 1 recites. Moreover, the definition of "exploding" that *Schettler* provides and the Examiner cites makes clear that when a user explodes an object the user prompts the management station in *Schettler* to provide more data, which tends to teach away from ***filtering network links for display based on the level of abstraction***, as independent Claim 1 recites, and ***displaying the filtered network links to present a layered network diagram***, as independent Claim 1 recites.

In the Examiner's Response, the Examiner further asserts that a user in *Schettler* exploding an object in a hierarchical network management map can be properly considered ***receiving input associated with a level of abstraction***, as independent Claim 10 recites. However, even assuming for the sake of argument that "'exploding' provides association with a level of detail, that is abstraction," as the Examiner asserts but which is not at all clear, *Schettler* would still fail to disclose, teach, or suggest, as independent Claim 10 recites:

- ***determining the level of abstraction based on the input***;
- ***filtering the at least one object based on the level of abstraction***; and
- ***displaying the at least on filtered object to present a layered network diagram***.

Instead, as discussed above, *Schettler* merely discloses a filtering system receiving topology data from a topology manager, filtering the topology data according to a filter library, and passing the processed data to a layout mechanism. Nowhere does *Schettler* disclose, teach, or suggest that the filtering system uses any input from a user exploding an object to filter any topology data, much less ***input associated with a level of abstraction***, as independent Claim 10 recites. Moreover, the definition of "exploding" that *Schettler* provides and the Examiner cites makes clear that when a user explodes an object the user prompts the management station in *Schettler* to provide more data, which tends to teach away from ***filtering the at least one object based on the level of abstraction***, as independent Claim 10 recites, and ***displaying the at least on filtered object to present a layered network diagram***, as independent Claim 10 further recites.

Conclusion

Appellant has demonstrated that the present invention, as claimed, complies with all statutory requirements for a U.S. patent. Therefore, Appellant respectfully requests the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of all pending claims.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: 27 November 2007

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